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22 JAN 1969

MEMORANDUM FOR: Deputy Director for Plans

SUBJECT : Adjudication of Conflicts Between Employees and Supervisors

1. Conflicts between employees and their supervisors occur most frequently in instances of strong disagreement with Fitness Reports and in directed return from overseas assignments for reasons of unsatisfactory performance or behavior.

2. With respect to Fitness Reports, Agency Regulations give the employee the right to dissent in writing and to state his reasons therefor. He is also assured that his dissent will be made an integral part of the Fitness Report. Over the years it has occasionally been brought to my attention that the permanent retention in the official file of the adversely critical Fitness Report, no matter how effectively it may have been rebutted by the employee, seems to do permanent injury to the career prospects of the individual. Not only may he be penalized unduly but the Agency may also be the loser through the indefinite depreciation of a possibly most effective employee.

3. To overcome this weakness in our present procedure, I would like to suggest a change in Agency Regulations to require an official adjudication, if one is desired by the employee, and the substitution of a new Fitness Report prepared by the adjudicating authority or body. The adjudicating authority should, in my opinion, be in the chain of command of the Directorate concerned. The original report and its rebuttal by the employee would be retained in the Sensitive Information Files of the Office of Personnel for consideration in connection with any subsequent adverse personnel actions.

4. With respect to directed returns from overseas for unsatisfactory performance or behavior, I would like to see every case formally reviewed and adjudicated. At the present time this is only done if an employee is proposed for termination or removal from his Career Service. There are cases, however, where the individual resigns in indignation or resignation and months or years later seeks reemployment or favorable recommendation for employment elsewhere. Clearly the Office of Personnel is then in a most difficult position since it cannot evaluate fairly the true worth of the individual or the truth of the charges underlying the recall. In quite a few cases the Agency has been charged with "blackbelling" a former employee. To the extent we make judgments on incorrect or unadjudicated charges there may be an element of truth in this. In any event the individual, if he has difficulty locating other employment, is always convinced that CIA is at fault.

5. An even greater value to the full adjudication of major disagreements between employees and supervisors is the information derived during the process as to the adequacy or inadequacy of our system of personnel management. Quite a few cases indicate glaring failures by supervisors and in the career management processes of Agency components. Only by detection of these is corrective action likely.

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6. Attached is the case of [REDACTED] which is illustrative of a typical case. It will be noted that neither the Inspector General, the Executive Director-Comptroller nor myself can at this point agree that [REDACTED] was properly used or properly separated from the Agency or whether he should be given serious consideration for employment.

7. I would appreciate your views on these two proposals, and I am going to see that [REDACTED] gets due consideration for reemployment, although I consider it most unlikely that any component will have a requirement for which he will be the best applicant.

/s/ Emmett D. Echols

Emmett D. Echols  
Director of Personnel

Attachment

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